

House File 538 - Introduced

HOUSE FILE 538

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 66)

A BILL FOR

- 1 An Act relating to matters under the purview of the department
- 2 of transportation, providing fees, and including effective
- 3 date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

AVIATION

Section 1. Section 23A.2, subsection 9, Code 2015, is amended to read as follows:

9. The state department of transportation may, in accordance with chapter 17A, provide for exemption from the application of subsection 1 for the activities related to highway maintenance, highway design and construction, publication and distribution of transportation maps, ~~state aircraft pool operations,~~ inventory sales to other state agencies and political subdivisions, equipment management and disposal, vehicle maintenance and repair services for other state agencies, and other similar essential operations.

Sec. 2. REPEAL. Section 328.38, Code 2015, is repealed.

DIVISION II

TRANSPORTATION DEPARTMENT AND COMMISSION

DEPARTMENT OF TRANSPORTATION

Sec. 3. Section 307.8, Code 2015, is amended to read as follows:

307.8 Expenses.

~~Members of the commission, the~~ The director, and other employees of the department shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the department shall be subject to the budget requirements of chapter 8.

Sec. 4. Section 307.12, subsection 1, paragraphs g and p, Code 2015, are amended to read as follows:

g. Appoint the ~~deputy director of transportation and the~~ administrators of within the department.

p. ~~Administer chapter 327J~~ Apply for, accept, and expend federal, state, or private funds for the improvement of transportation.

Sec. 5. Section 307.12, subsection 1, Code 2015, is amended by adding the following new paragraph:

1 NEW PARAGRAPH. *g.* Coordinate the transportation research
2 activities within the department.

3 Sec. 6. Section 307.12, subsection 2, Code 2015, is amended
4 to read as follows:

5 2. If in the interest of the state, the director may allow a
6 subsistence expense to an employee under the supervision of the
7 department's administrator ~~for highways~~ responsible for highway
8 programs and activities for continuous stay in one location
9 while on duty away from established headquarters and place
10 of domicile for a period not to exceed forty-five days; and
11 allow automobile expenses in accordance with section 8A.363,
12 for moving an employee and the employee's family from place of
13 present domicile to new domicile, and actual transportation
14 expense for moving of household goods. The household goods for
15 which transportation expense is allowed shall not include pets
16 or animals.

17 Sec. 7. Section 307.21, subsection 1, unnumbered paragraph
18 1, Code 2015, is amended to read as follows:

19 The department's administrator ~~of administrative services~~
20 responsible for the operations and finances of the department
21 shall:

22 Sec. 8. Section 307.21, subsection 7, Code 2015, is amended
23 to read as follows:

24 7. The administrator ~~of administrative services~~ may
25 purchase items from the department of administrative services
26 and may cooperate with the director of the department of
27 administrative services by providing purchasing services for
28 the department of administrative services.

29 Sec. 9. Section 307.22, Code 2015, is amended to read as
30 follows:

31 **307.22 Planning and ~~research~~ programming activities.**

32 1. The department's administrator ~~of~~ responsible for
33 transportation planning and ~~research~~ infrastructure program
34 development shall:

35 *a.* Assist the director in planning all modes of

1 transportation in order to develop an integrated transportation
2 system providing adequate transportation services for all
3 citizens of the state.

4 *b.* Develop and maintain transportation statistical data for
5 the department.

6 *c.* Assist the director in establishing, analyzing, and
7 evaluating alternative transportation policies for the state.

8 *d.* Coordinate planning ~~and research~~ duties and
9 responsibilities with the planning functions carried on by
10 other administrators of the department.

11 *e.* (1) Annually report by July 1 of each year, for both
12 secondary and farm-to-market systems, miles of earth, granular,
13 and paved surface roads; the daily vehicle miles of travel;
14 and lineal feet of bridge deck under the jurisdiction of each
15 county's secondary road department, as of the preceding January
16 1, taking into account roads whose jurisdiction has been
17 transferred from the department to a county or from a county
18 to the department during the previous year. The annual report
19 shall include those roads transferred to a county pursuant to
20 section 306.8A.

21 (2) Miles of secondary and farm-to-market roads shall not
22 include those miles of farm-to-market extensions within cities
23 under five hundred population that are placed under county
24 secondary road jurisdiction pursuant to section 306.4.

25 (3) The annual report of updated road and bridge data of
26 both the secondary and farm-to-market roads shall be submitted
27 to the Iowa county engineers association service bureau.

28 *f.* Advise and assist the director to study and develop
29 highway transport economics to assure availability and
30 productivity of highway transport services.

31 ~~*f.*~~ *g.* Perform such other planning functions as may be
32 assigned by the director.

33 2. The ~~functions~~ function of planning ~~and research~~ does
34 not include the detailed design of highways or other modal
35 transportation facilities, but ~~are~~ is restricted to the needs

1 of this state for multimodal transportation systems.

2 Sec. 10. Section 307.24, Code 2015, is amended to read as
3 follows:

4 **307.24 Administration of ~~highways~~ highway programs and**
5 **activities.**

6 The department's administrator ~~of highways~~ is responsible
7 for the planning responsible for highway programs and
8 activities shall plan, design, construction construct, and
9 ~~maintenance of maintain~~ the state primary highways and shall
10 administer chapters 306 ~~to~~ through 306C, chapters 309 through
11 314, chapters 316 through 318, and chapter 320 and perform
12 other duties as assigned by the director. The ~~administration~~
13 ~~of highways department~~ shall be:

14 1. Be organized to provide administration assistance for
15 urban systems, ~~for~~ and secondary roads, and to provide other
16 categories of ~~administration assistance~~ as necessary.

17 2. Devise and adopt standard plans of highway construction
18 and furnish the same to the counties and provide information
19 to the counties on the maintenance practices and policies of
20 the department.

21 3. Order the removal or alteration of any lights or
22 light-reflecting devices, whether on public or private
23 property, other than railroad signals or crossing lights,
24 located adjacent to a primary road and within three hundred
25 feet of a railroad crossing at grade, which in any way
26 interfere with the vision of or may be confusing to a person
27 operating a motor vehicle on such primary road in observing
28 the approach of trains or in observing signs erected for the
29 purpose of giving warning of such railroad crossing.

30 4. Order the removal or alteration of any lights or
31 light-reflecting devices, whether on public or private
32 property, located adjacent to a primary road and within
33 three hundred feet of an intersection with another primary
34 road, which in any way interfere with the vision of or may be
35 confusing to a person operating a motor vehicle on such primary

1 road in observing the approach of other vehicles or signs
2 erected for the purpose of giving warning of such intersection.

3 5. Construct, reconstruct, improve, and maintain state
4 institutional roads and state park roads which are part of
5 the state park, state institution, and other state land road
6 system as defined in section 306.3, and bridges on such roads,
7 roads located on state fairgrounds as defined in chapter 173,
8 and the roads and bridges located on property of community
9 colleges as defined in section 260C.2, upon the request of the
10 state board, department, or commission which has jurisdiction
11 over such roads. This shall be done in such manner as may be
12 agreed upon by the state transportation commission and the
13 state board, department, or commission which has jurisdiction.
14 The commission may contract with any county or municipality for
15 the construction, reconstruction, improvement, or maintenance
16 of such roads and bridges. Any state park road which is an
17 extension of either a primary or secondary highway which both
18 enters and exits from a state park at separate points shall
19 be constructed, reconstructed, improved, and maintained as
20 provided in section 306.4. Funds allocated from the road
21 use tax fund for the purposes of this subsection shall be
22 apportioned in the following manner and amounts:

23 a. For department of natural resources facility roads,
24 forty-five and one-half percent.

25 b. For department of human services facility roads, six and
26 one-half percent.

27 c. For department of corrections facility roads, five and
28 one-half percent.

29 d. For national guard facility roads, four percent.

30 e. For state board of regents facility roads, thirty
31 percent.

32 f. For state fair board facility roads, two percent.

33 g. For department of administrative services facility roads,
34 one-half percent.

35 h. For department of education facility roads, six percent.

1 Sec. 11. Section 307.26, Code 2015, is amended to read as
2 follows:

3 **307.26 Rail and water Administration of modal programs and**
4 **activities.**

5 The department's administrator responsible for rail and
6 water modal programs and activities shall:

7 1. Advise and assist the director in ~~conducting research on~~
8 ~~the basic railroad problems and identify the present capability~~
9 ~~of the existing railroads in order to determine the present~~
10 ~~obligation of the railroads to provide acceptable levels of~~
11 public service the development of aeronautics, including but
12 not limited to the location of air terminals, accessibility
13 of air terminals by other modes of public transportation,
14 protective zoning provisions considering safety factors, noise,
15 and air pollution, facilities for private and commercial
16 aircraft, air freight facilities, and such other physical and
17 technical aspects as may be necessary to meet present and
18 future needs.

19 2. Advise and assist the director in the study of local and
20 regional transportation of goods and people including intracity
21 and intercity bus systems, dial-a-bus facilities, rural and
22 urban bus and taxi systems, the collection of data from these
23 systems, the study of the feasibility of increased government
24 subsidy assistance and the allocation of such subsidies to each
25 mass transportation system, the study of such other physical
26 and technical aspects which may be necessary to meet present
27 and future needs, and the application for, acceptance of,
28 and expending of federal, state, or private funds for the
29 improvement of mass transit.

30 ~~2.~~ 3. Advise and assist the director in the development
31 of ~~rail~~ transportation systems and programs for ~~expansion of~~
32 improving passenger and freight services.

33 ~~3.~~ 4. Advise and assist the director in developing programs
34 in anticipation of railroad abandonment, including:

35 a. Development and evaluation of programs which will

1 encourage improvement of rail freight and the upgrading of rail
2 lines in order to improve freight service.

3 ~~b. Development of alternative modes of transportation to~~
4 ~~areas and communities which lose rail service.~~

5 ~~c.~~ b. Advise Advising the director when it may appear in
6 the best interest of the state to assume the role of advocate
7 in railroad abandonments and railroad rate schedules.

8 ~~4.~~ 5. Develop and maintain a federal-state relationship
9 of programs relating to railroad safety enforcement, track
10 standards, rail equipment, operating rules, and transportation
11 of hazardous materials.

12 6. Make surveys, plans, and estimates of cost for the
13 elimination of danger at railroad crossings on highways, and
14 confer with local and railroad officials with reference to
15 elimination of the danger.

16 ~~5.~~ 7. Advise and assist the director in the conduct of
17 research on railroad-highway grade crossings and encourage
18 and develop a safety program in order to reduce injuries or
19 fatalities including, but not limited to, the following:

20 ~~a. The implementation of a program of constructing rumble~~
21 ~~strips at grade crossings on selected hard surface roads.~~

22 ~~b.~~ a. The establishment of standards for warning devices
23 for particularly hazardous crossings or for classes of
24 crossings on highways, which standards are shall be designed
25 to reduce injuries, fatalities, and property damage. Such
26 standards shall regulate the use of warning devices and
27 signs, which shall be in addition to the requirements of
28 section 327G.2. Implementation of such standards shall be
29 the responsibility of the government agency or department
30 or political subdivision having jurisdiction and control of
31 the highway and such implementation shall be deemed adequate
32 for the purposes of railroad grade crossing protection. The
33 department, or the political subdivision having jurisdiction,
34 may direct the installation of temporary protection while
35 awaiting installation of permanent protection. A railroad

1 crossing shall not be found to be particularly hazardous for
 2 any purpose unless the department has determined it to be
 3 particularly hazardous.

4 ~~e.~~ b. The development and adoption of classifications of
 5 crossings on public highways based upon their characteristics,
 6 conditions, and hazards, and standards for warning devices,
 7 signals, and signs of each crossing classification. The
 8 department shall recommend a schedule for implementation
 9 of the standards to the government agency, department, or
 10 political subdivision having jurisdiction of the highway and
 11 shall provide an annual report to the general assembly on the
 12 development and adoption of classifications and standards under
 13 this paragraph and their implementation, including information
 14 about financing installation of warning devices, signals, and
 15 signs. The department shall not be liable for the development
 16 or adoption of the classifications or standards. A government
 17 agency, department, or political subdivision shall not be
 18 liable for failure to implement the standards. A crossing
 19 warning or improvement installed or maintained pursuant to
 20 standards adopted by the department under this paragraph shall
 21 be deemed an adequate and appropriate warning for the crossing.

22 ~~6. Apply for, accept, and expend federal, state or private~~
 23 ~~funds for the improvement of rail transportation.~~

24 ~~7.~~ 8. Advise and assist the director ~~on studies for~~
 25 ~~coordination of railway service with that of other~~ to assure
 26 availability, efficiency, and productivity of freight and
 27 passenger services and to promote the coordination of service
 28 between all transportation modes.

29 ~~8.~~ 9. Advise and assist the director with studies of
 30 regulatory changes deemed necessary to effectuate economical
 31 and efficient railroad service.

32 ~~9.~~ 10. Advise and assist the director regarding agreements
 33 with railroad corporations for the restoration, conservation,
 34 or improvement of railroad as defined in section 327D.2,
 35 subsection 3, on such terms, conditions, rates, rentals, or

1 subsidy levels as may be in the best interest of the state.

2 The commission may enter into contracts and agreements which
3 are binding only to the extent that appropriations have been
4 or may subsequently be made by the legislature to effectuate
5 the purposes of this subsection.

6 ~~10.~~ 11. Administer chapters 324A, 327C through 327H, 327J,
7 328, 329, and 330.

8 12. Administer programs and activities in chapters 306D,
9 307C, 308A, and 315.

10 ~~11.~~ 13. Perform such other duties and responsibilities as
11 may be assigned by the director ~~and the commission.~~

12 ~~12.~~ Advise and assist in the establishment and development
13 of railroad districts upon request.

14 ~~13.~~ Conduct innovative experimental programs relating to
15 rail transportation problems within the state.

16 ~~14.~~ Enter the role of "applicant" pursuant to the Railroad
17 Revitalization and Regulatory Reform Act of 1976, Pub. L. No.
18 94-210, and take such actions as are necessary to accomplish
19 this role.

20 ~~15.~~ Identify those segments of railroad trackage which, if
21 improved, may provide increased transportation services for
22 the citizens of this state. The department shall develop and
23 implement programs to encourage the improvement of rail freight
24 services on such railroad trackage.

25 ~~16.~~ 14. Promote river transportation and coordinate river
26 programs with other transportation modes.

27 ~~17.~~ 15. Advise and assist the director in the development
28 of river transportation and port facilities in the state.

29 Sec. 12. Section 307.27, Code 2015, is amended to read as
30 follows:

31 **307.27 Motor vehicles, motor carriers, and drivers.**

32 The department's administrator responsible for the
33 enforcement and regulation of motor carriers, registration of
34 motor vehicles, and licensing of drivers shall:

35 1. Administer and supervise the registration of motor

1 vehicles and the licensing of drivers pursuant to chapter 321.

2 2. Administer and supervise the licensing of motor vehicle
3 manufacturers, distributors, and dealers pursuant to chapter
4 322.

5 3. Administer the inspection of motor vehicles pursuant to
6 chapter 321.

7 4. Administer motor vehicle registration reciprocity
8 pursuant to chapter 326.

9 5. Administer the provisions of chapters 321A, 321E, 321F,
10 and 321J relating to motor vehicle financial responsibility,
11 the implied consent law, the movement of vehicles of excessive
12 size and weight, and the leasing and renting of vehicles.

13 6. Administer the regulation of motor vehicle franchisers
14 pursuant to chapter 322A.

15 7. Administer the regulation of motor carriers pursuant to
16 ~~chapter~~ chapters 325A, 326, and 327B.

17 8. Administer the registration of interstate authority
18 of motor carriers pursuant to chapter 327B as provided in 49
19 U.S.C. §14504a and United States department of transportation
20 regulations.

21 9. Administer chapters 321C, 321D, 321H, 321L, 321M, and
22 322C.

23 Sec. 13. Section 307.45, Code 2015, is amended to read as
24 follows:

25 **307.45 State-owned lands — assessment.**

26 1. Cities and counties may assess the cost of a public
27 improvement against the state when the improvement benefits
28 property owned by the state and under the jurisdiction
29 and control of the ~~department's administrator of highways~~
30 department. The director shall pay from the primary road fund
31 the portion of the cost of the improvement which would be
32 legally assessable against the land if privately owned.

33 2. Assessments against property under the jurisdiction of
34 the ~~department's administrator of highways~~ department shall be
35 made in the same manner as those made against private property,

1 except that the city or county making the assessment shall
2 cause a copy of the public notice of hearing to be mailed to the
3 director by certified mail.

4 3. Assessments against property owned by the state and
5 not under the jurisdiction and control of the ~~department's~~
6 ~~administrator of highways~~ department shall be made in the same
7 manner as those made against private property and payment shall
8 be subject to authorization by the executive council. There
9 is appropriated from moneys in the general fund not otherwise
10 appropriated an amount necessary to pay the expense authorized
11 by the executive council.

12 Sec. 14. Section 307.47, subsections 1 and 3, Code 2015, are
13 amended to read as follows:

14 1. The highway materials and equipment revolving fund
15 is created from moneys appropriated out of the primary road
16 fund. From this fund shall be paid all costs for materials
17 and supplies, inventoried stock supplies, maintenance and
18 operational costs of equipment, and equipment replacements
19 incurred in the operation of centralized purchasing under the
20 supervision of the ~~department's administrator of highways~~
21 administrator responsible for highway programs and activities.
22 Direct salaries and expenses properly chargeable to direct
23 salaries shall be paid from the fund. For each month the
24 ~~director~~ administrator responsible for the operations and
25 finances of the department shall render a statement to each
26 highway unit ~~under the supervision of the administrator~~
27 ~~of highways~~ for the actual cost of materials and supplies,
28 operational and maintenance costs of equipment, and equipment
29 depreciation used. The expense shall be paid by the
30 ~~administrator of highways~~ responsible for the operations
31 and finances of the department in the same manner as other
32 interdepartmental billings are paid ~~and when the expense is~~
33 ~~paid by the administrator of highways, the.~~ The sum paid shall
34 be credited to the highway materials and equipment revolving
35 fund.

1 3. ~~When the units under the supervision of the administrator~~
2 ~~of highways share~~ a highway unit shares equipment with ~~other~~
3 another administrative units unit of the department, the
4 director shall prorate the costs of the equipment among the
5 administrative units using the equipment.

6 Sec. 15. REPEAL. Sections 307.3, 307.4, 307.5, 307.6,
7 307.7, 307.9, 307.10, 307.25, 307.35, and 307.43, Code 2015,
8 are repealed.

9 STATE TRANSPORTATION COMMISSION

10 Sec. 16. NEW SECTION. **307A.1A Transportation commission.**

11 1. There is created a state transportation commission which
12 shall consist of seven members, not more than four of whom
13 shall be from the same political party. The governor shall
14 appoint the members of the state transportation commission
15 for a term of four years beginning and ending as provided by
16 section 69.19, subject to confirmation by the senate.

17 2. The commission shall meet in May of each year for the
18 purpose of electing one of its members as chairperson.

19 Sec. 17. Section 307A.2, subsections 1 and 2, Code 2015,
20 are amended by striking the subsections and inserting in lieu
21 thereof the following:

22 1. Develop, coordinate, and annually update a comprehensive
23 transportation policy and plan for the state.

24 2. Promote the coordinated and efficient use of all
25 available modes of transportation for the benefit of the state
26 and its citizens including but not limited to the designation
27 and development of multimodal public transfer facilities if
28 carriers or other private businesses fail to develop such
29 facilities.

30 Sec. 18. Section 307A.2, subsections 3, 4, 5, 6, 7, 8, 9,
31 10, and 11, Code 2015, are amended by striking the subsections.

32 Sec. 19. Section 307A.2, subsection 12, Code 2015, is
33 amended to read as follows:

34 12. Prepare, adopt, and cause to be published a long-range
35 program for the primary road system, in conjunction with the

1 state transportation plan adopted by the commission. Such
 2 program shall be prepared for a period of at least five years
 3 and shall be revised, brought up-to-date, and republished at
 4 least once every year in order to have a continuing five-year
 5 program. The program shall include, insofar as such estimates
 6 can be made, an estimate of the money expected to become
 7 available during the period covered by the program and a
 8 statement of the construction, maintenance, and other work
 9 planned to be performed during such period. The commission
 10 shall conduct periodic reinspections of the primary roads in
 11 order to revise, from time to time, its estimates of future
 12 needs to conform to the physical and service conditions
 13 of the primary roads. ~~The commission shall annually cause~~
 14 ~~to be published a sufficiency rating report showing the~~
 15 ~~relative conditions of the primary roads.~~ Before the last
 16 day of December of each year, the commission shall adopt and
 17 cause to be published from its long-range program, a plan of
 18 improvements to be accomplished during the next calendar year.
 19 However, in years when the federal government is reauthorizing
 20 federal highway funding, the commission shall not be required
 21 to adopt and publish the annual plan of improvements to be
 22 accomplished until at least ninety days from the enactment
 23 of the new federal funding formula. This annual program
 24 shall list definite projects in order of urgency and shall
 25 include a reasonable year's work with the funds estimated to
 26 be available. The annual program shall be final and followed
 27 by the commission in the next year except that deviations may
 28 be made in case of disaster or other unforeseen emergencies
 29 or difficulties. The relative urgency of the proposed
 30 improvements shall be determined by a consideration of the
 31 physical condition, safety, and service characteristics of the
 32 various primary roads.

33 Sec. 20. Section 307A.2, Code 2015, is amended by adding the
 34 following new subsection:

35 NEW SUBSECTION. 15. Approve all rules prior to their

1 adoption by the director pursuant to section 307.12, subsection
2 1, paragraph "j".

3 Sec. 21. NEW SECTION. **307A.3 Conflict of interest.**

4 A person shall not serve as a member of the commission if
5 the person has an interest in a contract or job of work or
6 material or the profits thereof or service to be performed
7 for the department. Any member of the commission who accepts
8 employment with or acquires any stock, bonds, or other
9 interest in any company or corporation doing business with the
10 department shall be disqualified from remaining a member of the
11 commission.

12 Sec. 22. NEW SECTION. **307A.4 Vacancies on commission.**

13 Any vacancy in the membership of the commission shall
14 be filled in the same manner as regular appointments are
15 made for the unexpired portion of the regular term. In the
16 event the governor fails to make an appointment to fill a
17 vacancy or fails to submit the appointment to the senate for
18 confirmation as required by section 2.32, the senate may make
19 the appointment prior to adjournment of the general assembly.

20 Sec. 23. NEW SECTION. **307A.5 Compensation — commission**
21 **members.**

22 Each member of the commission shall be compensated as
23 provided in section 7E.6.

24 Sec. 24. NEW SECTION. **307A.6 Commission meetings.**

25 The commission shall meet at the call of the chairperson or
26 when any four members of the commission file a written request
27 with the chairperson for a meeting. Written notice of the
28 time and place of each meeting shall be given to each member
29 of the commission. A majority of the commission members shall
30 constitute a quorum.

31 Sec. 25. NEW SECTION. **307A.7 Expenses.**

32 Members of the commission shall be allowed their actual and
33 necessary expenses incurred in the performance of their duties.
34 All expenses and salaries shall be paid from appropriations for
35 such purposes and the commission shall be subject to the budget

1 requirements of chapter 8.

2 Sec. 26. NEW SECTION. 307A.8 Removal from office.

3 Any member of the commission may be removed for any of
4 the causes and in the manner provided in chapter 66 and such
5 removal shall not be in lieu of any other punishment that may
6 be prescribed by the laws of this state.

7 CONFORMING AMENDMENTS

8 Sec. 27. Section 173.16, unnumbered paragraph 1, Code 2015,
9 is amended to read as follows:

10 All expenses incurred in maintaining the state fairgrounds
11 and in conducting the annual fair on ~~it~~ the state fairgrounds,
12 including the compensation and expenses of the officers,
13 members, and employees of the board, shall be recorded by the
14 secretary and paid from the state fair receipts, unless a
15 specific appropriation has been provided for that purpose. The
16 board may request special capital improvement appropriations
17 from the state and may request emergency funding from the
18 executive council for natural disasters. The board may request
19 that the department of transportation provide maintenance in
20 accordance with section ~~307A.2~~ 307.24, subsection ~~11~~ 5.

21 Sec. 28. Section 312.2, subsection 2, unnumbered paragraph
22 1, Code 2015, is amended to read as follows:

23 The treasurer of state shall before making the allotments
24 in subsection 1 credit annually to the highway grade crossing
25 safety fund the sum of seven hundred thousand dollars, credit
26 annually from the road use tax fund the sum of nine hundred
27 thousand dollars to the highway railroad grade crossing surface
28 repair fund, credit monthly to the primary road fund the
29 dollars yielded from an allotment of sixty-five hundredths of
30 one percent of all road use tax funds for the express purpose
31 of carrying out section ~~307A.2~~ 307.24, subsection ~~11~~ 5, section
32 313.4, subsection 2, and section 307.45, and credit annually
33 to the primary road fund the sum of five hundred thousand
34 dollars to be used for paying expenses incurred by the state
35 department of transportation other than expenses incurred for

1 extensions of primary roads in cities. All unobligated funds
 2 provided by this subsection, except those funds credited to the
 3 highway grade crossing safety fund, shall at the end of each
 4 year revert to the road use tax fund. Funds in the highway
 5 grade crossing safety fund shall not revert to the road use tax
 6 fund except to the extent they exceed five hundred thousand
 7 dollars at the end of any biennium. The cost of each highway
 8 railroad grade crossing repair project shall be allocated in
 9 the following manner:

10 Sec. 29. Section 312.4, subsection 5, Code 2015, is amended
 11 to read as follows:

12 5. The amount of the road use tax fund which has been
 13 credited to carry out the provisions of section ~~307A.2~~ 307.24,
 14 subsection ~~11~~ 5, section 313.4, subsection 2, and section
 15 307.45.

16 Sec. 30. Section 313.4, subsection 2, Code 2015, is amended
 17 to read as follows:

18 2. Such fund is also appropriated and shall be used for the
 19 construction, reconstruction, improvement and maintenance of
 20 state institutional roads and state park roads and bridges on
 21 such roads and roads and bridges on community college property
 22 as provided in section ~~307A.2~~ 307.24, subsection ~~11~~ 5, for
 23 restoration of secondary roads used as primary road detours and
 24 for compensation of counties for such use, for restoration of
 25 municipal streets so used and for compensation of cities for
 26 such use, and for the payments required in section 307.45.

27 DIVISION III

28 MOTOR VEHICLES

29 Sec. 31. Section 321.19, subsection 1, unnumbered paragraph
 30 2, Code 2015, is amended to read as follows:

31 The department shall furnish, on application, free of
 32 charge, distinguishing plates for vehicles thus exempted,
 33 which plates except plates on state patrol vehicles shall bear
 34 the word "official" and the department shall keep a separate
 35 record. Registration plates issued for state patrol vehicles,

1 except unmarked patrol vehicles, shall bear two red stars
2 on a yellow background, one before and one following the
3 registration number on the plate, which registration number
4 shall be the officer's badge number. Registration plates
5 issued for county sheriff's patrol vehicles shall display one
6 seven-pointed gold star followed by the letter "S" and the call
7 number of the vehicle. However, the director of the department
8 of administrative services or the director of transportation
9 may order the issuance of regular registration plates for
10 any exempted vehicle used by peace officers or federal law
11 enforcement officers in the enforcement of the law, persons
12 enforcing chapter 124 and other laws relating to controlled
13 substances, persons in the department of justice, the alcoholic
14 beverages division of the department of commerce, disease
15 investigators of the Iowa department of public health, the
16 department of inspections and appeals, and the department of
17 revenue, who are regularly assigned to conduct investigations
18 which cannot reasonably be conducted with a vehicle displaying
19 "official" state registration plates, persons who are
20 federal agents or officers regularly assigned to conduct
21 investigations which cannot reasonably be conducted with a
22 vehicle displaying "official" registration plates, persons in
23 the Iowa lottery authority whose regularly assigned duties
24 relating to security or the carrying of lottery tickets cannot
25 reasonably be conducted with a vehicle displaying "official"
26 registration plates, persons in the economic development
27 authority who are regularly assigned duties relating to
28 existing industry expansion or business attraction, and mental
29 health professionals or health care professionals who provide
30 off-site or in-home medical or mental health services to
31 clients of publicly funded programs. For purposes of sale of
32 exempted vehicles, the exempted governmental body, upon the
33 sale of the exempted vehicle, may issue for in-transit purposes
34 a pasteboard card bearing the words "Vehicle in Transit", the
35 name of the official body from which the vehicle was purchased,

1 together with the date of the purchase plainly marked in at
2 least one-inch letters, and other information required by the
3 department. The in-transit card is valid for use only within
4 forty-eight hours after the purchase date as indicated on the
5 bill of sale which shall be carried by the driver.

6 Sec. 32. Section 321.189, subsection 6, Code 2015, is
7 amended to read as follows:

8 6. *Licenses issued to persons under age twenty-one.* A
9 driver's license issued to a person under eighteen years of
10 age shall contain the same information as any other driver's
11 license except that the words "under eighteen" shall appear
12 prominently on the face of the license. A driver's license
13 issued to a person eighteen years of age or older but less than
14 twenty-one years of age shall contain the same information
15 as any other driver's license except that the words "under
16 twenty-one" shall appear prominently on the face of the
17 license. Upon attaining the age of eighteen or upon attaining
18 the age of twenty-one, and upon payment of a ~~one~~ ten dollar
19 fee, the person shall be entitled to a new driver's license
20 or nonoperator's identification card for the unexpired months
21 of the driver's license or card. An instruction permit or
22 intermediate license issued under section 321.180B, subsection
23 1 or 2, shall include a distinctive color bar. An intermediate
24 license issued under section 321.180B, subsection 2, shall
25 include the words "intermediate license" printed prominently on
26 the face of the license.

27 Sec. 33. Section 321.215, Code 2015, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 5. Notwithstanding any provision of
30 this chapter to the contrary, the department may issue a
31 temporary restricted license to a person eligible for a
32 temporary restricted license under this section if the person
33 is also eligible for a temporary restricted license under
34 section 321J.20, provided the requirements of each section are
35 satisfied.

1 Sec. 34. Section 321E.29, subsection 2, unnumbered
2 paragraph 1, Code 2015, is amended to read as follows:

3 Annual permits may be issued for vehicles with divisible
4 loads of hay, straw, ~~or~~ stover, or bagged livestock bedding
5 without a finding of special or emergency situations if the
6 movement meets the requirements of this chapter, provided the
7 following limits are not exceeded:

8 Sec. 35. Section 321J.20, Code 2015, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 9. Notwithstanding any provision of
11 this chapter to the contrary, the department may issue a
12 temporary restricted license to a person eligible for a
13 temporary restricted license under this section if the person
14 is also eligible for a temporary restricted license under
15 section 321.215, provided the requirements of each section are
16 satisfied.

17 Sec. 36. Section 322.5, subsection 2, paragraph a,
18 subparagraph (2), Code 2015, is amended to read as follows:

19 (2) Display, offer for sale, and negotiate sales of new
20 motor vehicles at fair events, as defined in chapter 174, the
21 state fair, as discussed in chapter 173, vehicle shows, and
22 vehicle exhibitions, upon application for and receipt of a
23 temporary permit issued by the department. Such activities
24 may only be conducted at a fair events event, the state fair,
25 a vehicle shows show, and or a vehicle exhibitions that are
26 exhibition, if the fair event, state fair, vehicle show, or
27 vehicle exhibition is held in the motor vehicle dealer's
28 community, as defined in section 322A.1, for the vehicles
29 that are displayed and offered for sale. A sale of a motor
30 vehicle by a motor vehicle dealer shall not be completed and an
31 agreement for the sale of a motor vehicle shall not be signed
32 at a fair event, the state fair, a vehicle show, or a vehicle
33 exhibition. All such sales shall be consummated at the motor
34 vehicle dealer's principal place of business.

35 Sec. 37. Section 326.14, subsection 3, Code 2015, is amended

1 to read as follows:

2 3. An application for renewal of registration shall
 3 be postmarked or received in the office of motor carrier
 4 services of the department no later than the last day of the
 5 registration expiration month. A ~~five percent~~ late filing
 6 penalty equal to five percent of the fees due to the state of
 7 Iowa shall be assessed to an application for renewal postmarked
 8 or received on or after the first day following the last day
 9 of the registration expiration month, with an additional five
 10 percent penalty assessed the first of each month thereafter
 11 until the application is filed. The enforcement deadline
 12 for failure to display a registration plate and registration
 13 is 12:01 a.m. of the first day following the last day of the
 14 registration expiration month.

15 Sec. 38. Section 326.16, subsections 2 and 3, Code 2015, are
 16 amended to read as follows:

17 2. A ~~five percent~~ late payment penalty equal to five percent
 18 of the fees due to the state of Iowa shall be assessed if an
 19 invoice is not paid within thirty days of the invoice date,
 20 with an additional five percent penalty assessed the first of
 21 each month thereafter until all fees and penalties are paid.
 22 In addition, the fees due for registration in this state shall
 23 be a debt due to the state of Iowa.

24 3. Failure to receive a renewal notice or an invoice by
 25 mail, facsimile transmission, or any other means of delivery
 26 does not relieve the registrant of the financial responsibility
 27 for the renewal fees, invoiced amount, or accrued penalties.
 28 Late penalties calculated by the department in accordance with
 29 this chapter shall remain due to the state of Iowa until the
 30 fees and penalties are received.

31 Sec. 39. EFFECTIVE DATE. The following provisions of this
 32 division of this Act take effect January 1, 2016:

- 33 1. The section of this Act amending section 326.14.
- 34 2. The section of this Act amending section 326.16.

35 DIVISION IV

RAIL TRANSPORTATION

Sec. 40. REPEAL. Sections 327F.14, 327F.18, 327F.19, 327F.20, 327F.26, 327F.34, 327F.35, 327G.13, 327G.14, 327G.22, 327G.23, 327G.28, and 327H.25, Code 2015, are repealed.

DIVISION V

COMMERCIAL LEARNER'S PERMITS

Sec. 41. Section 321.1, subsections 11 and 20A, Code 2015, are amended to read as follows:

11. For purposes of administering and enforcing the commercial driver's license provisions:

a. "Commercial driver" means the operator of a commercial motor vehicle.

b. "Commercial driver's license" means a ~~driver's license valid for the operation of a commercial motor vehicle~~ commercial driver's license as defined in 49 C.F.R. §383.5.

c. "Commercial driver's license information system" means the national information system established to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

d. "Commercial learner's permit" means commercial learner's permit as defined in 49 C.F.R. §383.5.

~~*d.*~~ *e. "Commercial motor carrier" means a person responsible for the safe operation of a commercial motor vehicle.*

~~*e.*~~ *f. "Commercial motor vehicle" means a motor vehicle or combination of vehicles used to transport passengers or property if any of the following apply:*

(1) The combination of vehicles has a gross combination weight rating or gross combination weight, whichever is greater, of twenty-six thousand one or more pounds ~~provided the, including a towed vehicle or vehicles have having~~ a gross weight rating or gross ~~combination~~ vehicle weight rating, whichever is greater, of ten thousand one or more pounds.

(2) The motor vehicle has a gross vehicle weight rating or gross vehicle weight, whichever is greater, of twenty-six thousand one or more pounds.

1 (3) The motor vehicle is designed to transport sixteen
2 or more persons, including the operator, or is of a size and
3 design to transport sixteen or more persons, including the
4 operator, but is redesigned or modified to transport less than
5 sixteen persons with disabilities.

6 (4) The motor vehicle is used in the transportation of
7 hazardous material of a type or quantity requiring vehicle
8 placarding.

9 ~~f.~~ g. "*Employer*" means any person, including the United
10 States, a state, the District of Columbia, or a political
11 subdivision of a state, who owns or leases a commercial motor
12 vehicle or assigns an employee to operate such a vehicle.

13 ~~g.~~ h. "*Foreign jurisdiction*" means a jurisdiction outside
14 the fifty United States, and the District of Columbia, ~~and~~
15 Canada.

16 ~~h.~~ i. "*Nonresident commercial driver's license*" means a
17 commercial driver's license issued to a person ~~who is not~~
18 ~~a resident of the United States or Canada~~ domiciled in a
19 foreign jurisdiction meeting the requirements of 49 C.F.R.
20 §383.23(b)(1), or to a person domiciled in another state
21 meeting the requirements of 49 C.F.R. §383.23(b)(2).

22 j. "*Nonresident commercial learner's permit*" means a
23 commercial learner's permit issued to a person domiciled in
24 a foreign jurisdiction meeting the requirements of 49 C.F.R.
25 §383.23(b)(1), or to a person domiciled in another state
26 meeting the requirements of 49 C.F.R. §383.23(b)(2).

27 ~~i.~~ k. "*Tank vehicle*" means a commercial motor vehicle
28 that is designed to transport any liquid or gaseous materials
29 within a tank or tanks having an individual rated capacity
30 of more than one hundred nineteen gallons and an aggregate
31 rated capacity of one thousand gallons or more that is either
32 permanently or temporarily attached to the vehicle or chassis.
33 ~~For purposes of this paragraph, "tank" does not include a~~
34 ~~portable tank with a rated capacity of less than one thousand~~
35 ~~gallons or a permanent tank with a rated capacity of one~~

1 ~~hundred nineteen gallons or less.~~ A commercial motor vehicle
 2 transporting an empty storage container tank not designed for
 3 transportation with a rated capacity of one thousand gallons
 4 or more that is temporarily attached to a flatbed trailer is
 5 not considered a tank vehicle.

6 20A. "*Driver's license*" means any license or permit issued
 7 to a person to operate a motor vehicle on the highways of this
 8 state, including but not limited to a temporary restricted or
 9 temporary license and an instruction, chauffeur's instruction,
 10 ~~commercial driver's instruction~~ learner's permit, or temporary
 11 permit. For purposes of license suspension, revocation, bar,
 12 disqualification, cancellation, or denial under this chapter
 13 and chapters 321A, 321C, and 321J, "*driver's license*" includes
 14 any privilege to operate a motor vehicle.

15 Sec. 42. Section 321.12, subsection 2, Code 2015, is amended
 16 to read as follows:

17 2. Operating records relating to a person who has been
 18 issued a commercial driver's license or commercial learner's
 19 permit shall be maintained on file in accordance with rules
 20 adopted by the department.

21 Sec. 43. Section 321.56, subsection 3, Code 2015, is amended
 22 to read as follows:

23 3. For purposes of this section, "*commercial motor vehicle*"
 24 means as defined in section 321.1, subsection 11, paragraph "e"
 25 "f", subparagraph (2).

26 Sec. 44. Section 321.174, subsections 2 and 3, Code 2015,
 27 are amended to read as follows:

28 2. a. A person operating a commercial motor vehicle shall
 29 not have more than one driver's license. A nonresident may
 30 operate a commercial motor vehicle in Iowa if the nonresident
 31 has been issued a license by another state, a nonresident
 32 commercial driver's license or nonresident commercial learner's
 33 permit, or a driver's license issued by a foreign jurisdiction
 34 which the federal highway administration has determined to be
 35 issued in conformity with the federal commercial driver testing

1 and licensing standards, if the license, commercial driver's
2 license, commercial learner's permit, or driver's license is
3 valid for the vehicle operated.

4 **b.** A person who operates a commercial motor vehicle upon the
5 highways of this state without having been issued a driver's
6 license valid for the vehicle operated commits a simple
7 misdemeanor.

8 **c.** A person who operates a commercial motor vehicle upon the
9 highways of this state after the person's commercial driver's
10 license or commercial learner's permit has been downgraded to
11 a noncommercial status pursuant to section 321.207 commits a
12 simple misdemeanor.

13 **3.** A licensee shall have the licensee's driver's license
14 in immediate possession at all times when operating a motor
15 vehicle and shall display the same upon demand of a judicial
16 magistrate, district associate judge, district judge, peace
17 officer, or examiner of the department. If the licensee has
18 been issued a commercial learner's permit, the licensee's
19 driver's license includes both the licensee's commercial
20 learner's permit and the licensee's underlying commercial or
21 noncommercial driver's license. However, a person charged
22 with violating this subsection shall not be convicted and the
23 citation shall be dismissed by the court if the person produces
24 to the clerk of the district court, prior to the licensee's
25 court date indicated on the citation, a driver's license issued
26 to that person and valid for the vehicle operated at the time
27 of the person's arrest or at the time the person was charged
28 with a violation of this section. Upon dismissal, the court or
29 clerk of court shall assess the costs of the action against the
30 defendant named on the citation.

31 **Sec. 45.** Section 321.177, subsection 8, Code 2015, is
32 amended to read as follows:

33 **8.** To any person to operate a commercial motor vehicle
34 unless the person is eighteen years of age or older and the
35 person qualifies under federal and state law to be issued a

1 commercial driver's license or commercial learner's permit in
2 this state.

3 Sec. 46. Section 321.180, subsection 2, Code 2015, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 2. a. The department shall adopt rules to administer
7 commercial learner's permits in compliance with the procedures
8 set forth in 49 C.F.R. §383.73. An applicant for a commercial
9 learner's permit must hold a valid class A, B, C, or D driver's
10 license issued in this state, must be at least eighteen years
11 of age, and must meet the qualifications to obtain a valid
12 commercial driver's license, including the requirements set
13 forth in section 321.188, except for the required driving
14 skills test.

15 b. A commercial learner's permit shall be a separate
16 document from a commercial or noncommercial driver's license.
17 A person operating a vehicle pursuant to a commercial learner's
18 permit shall have both the commercial learner's permit and the
19 commercial or noncommercial driver's license issued to the
20 person within the person's possession.

21 c. A commercial learner's permit shall be valid for a period
22 not to exceed one hundred eighty days. A commercial learner's
23 permit may be renewed for an additional one hundred eighty days
24 without retaking the general and endorsement knowledge tests
25 required by section 321.188.

26 d. A commercial learner's permit shall be valid for the
27 operation of a commercial motor vehicle only when the permit
28 holder is accompanied by a holder of a valid commercial
29 driver's license with the proper commercial driver's license
30 group designation and endorsements necessary to operate the
31 commercial motor vehicle, and who is at all times physically
32 present in the front passenger seat of the vehicle, or in the
33 case of a passenger vehicle, directly behind or in the first
34 row behind the permit holder in a position to directly observe
35 and supervise the permit holder.

1 (1) When a commercial learner's permit is issued to the
2 holder of a commercial driver's license, this paragraph "d"
3 only applies to the operation of a commercial motor vehicle for
4 which the permit holder's commercial driver's license is not
5 valid.

6 (2) When a commercial learner's permit is issued to the
7 holder of a noncommercial driver's license, this paragraph "d"
8 only applies to the operation of a commercial motor vehicle.

9 e. The issuance of a commercial learner's permit is a
10 precondition to the initial issuance of a commercial driver's
11 license. The issuance of a commercial learner's permit is also
12 a precondition to the upgrade of a commercial driver's license
13 if the upgrade requires a driving skills test. The holder of a
14 commercial learner's permit is not eligible to take a driving
15 skills test required by section 321.188 for the first fourteen
16 days after the permit holder is issued the permit.

17 f. A commercial learner's permit is not valid for the
18 operation of a vehicle transporting hazardous materials as
19 defined in 49 C.F.R. §383.5.

20 Sec. 47. Section 321.180, subsection 4, Code 2015, is
21 amended to read as follows:

22 4. The instruction permit, chauffeur's instruction permit,
23 and commercial ~~driver's instruction~~ learner's permit are
24 subject to suspension or revocation for the same reasons and
25 in the same manner as suspension or revocation of a driver's
26 license.

27 Sec. 48. Section 321.182, subsection 3, Code 2015, is
28 amended to read as follows:

29 3. Certify that the applicant has no other driver's license
30 and certify that the applicant is a resident of this state
31 as provided in section 321.1A. However, certification of
32 residency is not required for an applicant for a nonresident
33 commercial driver's license ~~who is a foreign national~~
34 ~~temporarily present in this state, as determined by the~~
35 department or nonresident commercial learner's permit.

1 Sec. 49. Section 321.188, subsections 1 and 6, Code 2015,
2 are amended to read as follows:

3 1. The department shall adopt rules to administer
4 commercial driver's licenses in compliance with the procedures
5 set forth in 49 C.F.R. §383.73. Before the department issues,
6 renews, or upgrades a commercial driver's license and in
7 addition to the requirements of section 321.182, the license
8 applicant shall do all of the following:

9 a. Certify whether the applicant is subject to and meets
10 applicable driver qualifications of 49 C.F.R. pt. 391 as
11 adopted by rule by the department.

12 b. Certify the applicant is not subject to any commercial
13 driver's license disqualification and has committed no
14 offense and has not acted in a manner which either alone or
15 with previous actions or offenses could result in commercial
16 driver's license disqualification.

17 c. Successfully pass knowledge tests and driving skills
18 tests, provide self-certification of type of driving, and
19 provide a medical examiner's certificate prepared by a medical
20 examiner, as defined in 49 C.F.R. §390.5, and provide all other
21 required information, proofs, and certificates, as required by
22 rule by the department. The rules adopted shall substantially
23 comply with the federal minimum testing and licensing
24 requirements in 49 C.F.R. pt. 383, subpts. E, G, and H, as
25 adopted by rule by the department. Except as required under
26 49 C.F.R. pt. 383, subpt. E, G, or H, a commercial driver's
27 license is renewable without a driving skills test within one
28 year after its expiration date.

29 d. Certify the vehicle to be operated in the driving skills
30 tests ~~represents the largest class of vehicle~~ is representative
31 of the class of motor vehicle the applicant will operate on the
32 highway.

33 e. Certify that the applicant is a resident of Iowa or a
34 resident of a foreign jurisdiction.

35 f. Identify all states where the applicant has been licensed

1 to drive any type of motor vehicle during the previous ten
2 years.

3 6. a. The department may waive the requirement that an
4 applicant pass a driving skills test specified in this section
5 for an applicant who is on active duty in the military service,
6 or who has separated from such service in the ~~last ninety~~
7 days past year, who certifies that during the two-year period
8 immediately preceding application for a commercial driver's
9 license, all of the following apply:

10 (1) The applicant has not had more than one driver's
11 license, other than a military license.

12 (2) The applicant has not had any driver's license
13 suspended, revoked, or canceled.

14 (3) The applicant has not been convicted of an offense
15 committed while operating any type of motor vehicle that is
16 listed as a disqualifying offense in 49 C.F.R. §383.51(b).

17 (4) The applicant has not had more than one conviction for
18 an offense committed while operating any type of motor vehicle
19 that is listed as a serious traffic violation in 49 C.F.R.
20 §383.51(c).

21 (5) The applicant has not had a conviction for a violation
22 of a military, state, or local law relating to motor vehicle
23 traffic control, other than a parking violation, arising in
24 connection with any traffic accident and has no record of a
25 traffic accident in which the applicant was at fault.

26 b. An applicant for a waiver of the driving skills test
27 under this subsection shall certify and provide evidence as
28 required by the department that the following apply:

29 (1) The applicant is regularly employed or was regularly
30 employed within the ~~last ninety days~~ past year in a military
31 position requiring operation of a commercial motor vehicle.

32 (2) The applicant was exempt from commercial driver
33 licensing requirements pursuant to section 321.176A, subsection
34 3, or a comparable law of another state implementing 49 C.F.R.
35 §383.3(c).

1 (3) The applicant was operating a motor vehicle
 2 representative of the class of motor vehicle the applicant
 3 operates or expects to operate for at least two years
 4 immediately preceding honorable separation from military
 5 service as evidenced by the person's certificate of release or
 6 discharge from active duty, commonly referred to as a DD214.

7 c. An applicant who obtains a driving skills test waiver
 8 under this subsection shall take and successfully pass the
 9 knowledge test required pursuant to subsection 1.

10 Sec. 50. Section 321.189, subsection 2, paragraph b, Code
 11 2015, is amended to read as follows:

12 b. A commercial driver's license shall include the
 13 licensee's address as required under federal regulations, and
 14 the words "commercial driver's license" or "CDL" shall appear
 15 prominently on the face of the license. A commercial learner's
 16 permit shall include the permit holder's address as required
 17 under federal regulations, and the words "commercial learner's
 18 permit" or "CLP" with a statement that the permit is invalid
 19 unless accompanied by the permit holder's underlying driver's
 20 license shall appear prominently on the face of the permit. If
 21 the applicant is a nonresident, the license must conspicuously
 22 display the word "~~nonresident~~" "nondomiciled".

23 Sec. 51. Section 321.191, subsections 1, 4, 7, and 9, Code
 24 2015, are amended to read as follows:

25 1. *Instruction permits.* The fee for an instruction
 26 permit, other than a special instruction permit, chauffeur's
 27 instruction permit, or commercial ~~driver's instruction~~
 28 learner's permit, is six dollars. The fee for a special
 29 instruction permit is ten dollars. The fee for a chauffeur's
 30 instruction permit or commercial ~~driver's instruction~~ learner's
 31 permit is twelve dollars.

32 4. *Commercial driver's licenses.* The fee for a commercial
 33 driver's license, other than an ~~instruction~~ a commercial
 34 learner's permit, for the operation of a commercial motor
 35 vehicle is eight dollars per year of license validity.

1 7. *Endorsements and removal of ~~air-brake~~ restrictions.* The
 2 fee for a double/triple trailer endorsement, tank vehicle
 3 endorsement, ~~and~~ or hazardous materials endorsement is
 4 five dollars for each endorsement. The fee for a passenger
 5 endorsement or a school bus endorsement is ten dollars. The
 6 fee for removal of an air brake, full air brake, manual
 7 transmission, tractor-trailer, or passenger vehicle restriction
 8 on a commercial driver's license or commercial learner's
 9 permit is ten dollars. Fees imposed under this subsection
 10 for endorsements or removal of restrictions are valid for the
 11 period of the license. Upon renewal of a commercial driver's
 12 license, no fee is payable for retaining endorsements or the
 13 removal of ~~the air-brake~~ a restriction for those endorsements
 14 or restrictions which do not require the taking of either a
 15 knowledge or a driving skills test for renewal.

16 9. *Upgrading a license class privilege — fee adjustment.*

17 a. If an applicant wishes to upgrade a license class
 18 privilege, the fee charged shall be prorated on full-year
 19 fee increments of the new license in accordance with rules
 20 adopted by the department. The expiration date of the new
 21 license shall be the expiration date of the currently held
 22 driver's license. The fee for a commercial driver's license
 23 endorsement, the removal of ~~an air-brake~~ a restriction, or a
 24 commercial ~~driver's license instruction~~ learner's permit shall
 25 not be prorated.

26 b. As used in this subsection "*to upgrade a license class*
 27 *privilege*" means to add any privilege to a valid driver's
 28 license. The addition of a privilege includes converting
 29 from a noncommercial to a commercial license, converting from
 30 a noncommercial class C to a class D license, converting an
 31 instruction or learner's permit to a class license, adding any
 32 privilege to a section 321.189, subsection 7, license, adding
 33 an instruction or learner's permit privilege, adding a section
 34 321.189, subsection 7, license to an instruction or learner's
 35 permit, and adding any privilege relating to a driver's license

1 issued to a minor under section 321.194 or 321.178.

2 Sec. 52. Section 321.196, subsections 1 and 4, Code 2015,
3 are amended to read as follows:

4 1. Except as otherwise provided, if the licensee is between
5 the ages of seventeen years eleven months and seventy-two years
6 on the date of issuance of the license, a driver's license,
7 other than an instruction permit, chauffeur's instruction
8 permit, or commercial ~~driver's instruction~~ learner's permit
9 issued under section 321.180, expires eight years from the
10 licensee's birthday anniversary occurring in the year of
11 issuance, but not to exceed the licensee's seventy-fourth
12 birthday. If the licensee is under the age of seventeen
13 years eleven months or age seventy-two or over, the license
14 is effective for a period of two years from the licensee's
15 birthday anniversary occurring in the year of issuance. A
16 licensee whose license is restricted due to vision or other
17 physical deficiencies may be required to renew the license
18 every two years. If a licensee is a foreign national who is
19 temporarily present in this state, the license shall be issued
20 only for the length of time the foreign national is authorized
21 to be present as verified by the department, not to exceed two
22 years.

23 4. The department in its discretion may authorize the
24 renewal of a valid driver's license other than a commercial
25 driver's license or commercial learner's permit upon
26 application without an examination provided that the applicant
27 meets one of the following conditions:

28 a. The applicant satisfactorily passes a vision test as
29 prescribed by the department.

30 b. The applicant files a vision report in accordance with
31 section 321.186A which shows that the applicant's visual acuity
32 level meets or exceeds those required by the department.

33 c. The applicant is eligible for license renewal
34 electronically, pursuant to rules adopted by the department.

35 An applicant shall not be eligible for electronic renewal of

1 a driver's license if the most recent previous renewal of the
2 applicant's driver's license occurred electronically.

3 Sec. 53. Section 321.201, subsection 2, Code 2015, is
4 amended to read as follows:

5 2. a. Upon cancellation of a commercial driver's license or
6 commercial learner's permit for providing false information or
7 committing fraud in the application, the applicant shall not
8 operate a commercial motor vehicle in this state and shall not
9 be issued a license valid to operate a commercial motor vehicle
10 for a period of sixty days.

11 b. The department shall disqualify the commercial driver's
12 license or commercial learner's permit of a person convicted or
13 suspected of fraud related to the testing for or issuance of
14 a commercial driver's license or commercial learner's permit.
15 The department shall adopt rules to administer this paragraph
16 that substantially comply with 49 C.F.R. §383.73(k).

17 Sec. 54. Section 321.204, subsection 2, Code 2015, is
18 amended to read as follows:

19 2. The department shall notify the commercial driver's
20 license information system and the commercial motor vehicle
21 administrator in the licensing state, if applicable, of the
22 disqualification of a commercial driver within ten days of any
23 of the following:

24 a. The disqualification of the commercial driver under
25 section 321.201 or section 321.208 if the disqualification is
26 for sixty days or more.

27 b. The suspension or revocation of a commercial driver's
28 license or commercial learner's permit if the suspension or
29 revocation is for sixty days or more.

30 c. The cancellation of a commercial driver's license or
31 commercial learner's permit.

32 Sec. 55. Section 321.206, Code 2015, is amended to read as
33 follows:

34 **321.206 Surrender of license — duty of court.**

35 If a person is convicted in court of an offense for which

1 this chapter requires mandatory revocation of the person's
 2 driver's license or, if the person's license is a commercial
 3 driver's license or commercial learner's permit and the
 4 conviction disqualifies the person from operating a commercial
 5 motor vehicle, the court shall require the person to surrender
 6 the driver's license held by the person and the court shall
 7 destroy the license or forward the license together with a
 8 record of the conviction to the department as provided in
 9 section 321.491.

10 Sec. 56. Section 321.207, Code 2015, is amended to read as
 11 follows:

12 **321.207 Downgrade of commercial driver's license or**
 13 **commercial learner's permit.**

14 The department shall adopt rules for downgrading a
 15 commercial driver's license or commercial learner's permit to
 16 a noncommercial status upon a driver's failure to provide a
 17 medical examiner's certificate as required pursuant to section
 18 321.188, subsection 1, paragraph "c", or upon a driver's failure
 19 to provide a self-certification of type of driving as required
 20 pursuant to section 321.188, subsection 1, paragraph "c". The
 21 rules shall substantially comply with 49 C.F.R. §383.71 and
 22 383.73, as adopted by rule by the department.

23 Sec. 57. Section 321.208, subsection 1, paragraph b, Code
 24 2015, is amended to read as follows:

25 *b.* Operating a commercial motor vehicle when, as a result
 26 of prior violations committed while operating a commercial
 27 motor vehicle, the person's commercial driver's license or
 28 commercial learner's permit is revoked, suspended, or canceled
 29 or the person is disqualified from operating a commercial motor
 30 vehicle.

31 Sec. 58. Section 321.208, subsection 2, unnumbered
 32 paragraph 1, Code 2015, is amended to read as follows:

33 A person is disqualified from operating a commercial motor
 34 vehicle for one year upon a conviction or final administrative
 35 decision that the person has committed any of the following

1 acts or offenses in any state or foreign jurisdiction while
2 operating a commercial motor vehicle or while operating a
3 noncommercial motor vehicle and holding a commercial driver's
4 license or commercial learner's permit:

5 Sec. 59. Section 321.208, subsections 3, 5, and 6, Code
6 2015, are amended to read as follows:

7 3. A person is disqualified from operating a commercial
8 motor vehicle for three years if an act or offense described
9 in subsection 1 or 2 occurred while the person was operating
10 a commercial motor vehicle transporting hazardous ~~material of~~
11 ~~a type or quantity requiring vehicle placarding~~ materials as
12 defined in 49 C.F.R. §383.5.

13 5. A person is disqualified from operating a commercial
14 motor vehicle for life upon a conviction that the person used a
15 ~~commercial or noncommercial~~ motor vehicle in the commission of
16 a felony or aggravated misdemeanor involving the manufacturing,
17 distributing, or dispensing of a controlled substance as
18 defined in section 124.101. A person is disqualified from
19 operating a commercial motor vehicle for life upon a conviction
20 that the person used a noncommercial motor vehicle in the
21 commission of a felony or aggravated misdemeanor involving the
22 manufacturing, distributing, or dispensing of a controlled
23 substance as defined in section 124.101 and held a commercial
24 driver's license or commercial learner's permit at the time the
25 offense was committed.

26 6. A person is disqualified from operating a commercial
27 motor vehicle if the person receives convictions for committing
28 within any three-year period two or more of the following
29 offenses while operating a commercial motor vehicle, or
30 while operating a noncommercial motor vehicle and holding a
31 commercial driver's license or commercial learner's permit
32 if the convictions result in the revocation, cancellation,
33 or suspension of the person's commercial driver's license,
34 commercial learner's permit, or noncommercial motor vehicle
35 driving privileges:

1 *a.* Operating a commercial motor vehicle upon a highway
2 when not issued a commercial driver's license or commercial
3 learner's permit.

4 *b.* Operating a commercial motor vehicle upon a highway when
5 not issued the proper class of commercial driver's license,
6 commercial learner's permit, or endorsements for the specific
7 vehicle group being operated or for the passengers or type of
8 cargo being transported.

9 *c.* Operating a commercial motor vehicle upon a highway
10 without immediate possession of a commercial driver's license
11 or commercial learner's permit valid for the vehicle operated.

12 *d.* Speeding fifteen miles per hour or more over the legal
13 speed limit.

14 *e.* Reckless driving.

15 *f.* Any violation of the traffic laws, except a parking
16 violation or a vehicle weight violation, which arises in
17 connection with a fatal traffic accident.

18 *g.* Following another motor vehicle too closely.

19 *h.* Improper lane changes in violation of section 321.306.

20 *i.* Violating a state or local law or ordinance on motor
21 vehicle traffic control prohibiting texting while driving a
22 commercial motor vehicle.

23 *j.* Violating a state or local law or ordinance on motor
24 vehicle traffic control restricting or prohibiting the use of
25 a hand-held mobile telephone while driving a commercial motor
26 vehicle.

27 Sec. 60. Section 321.208, subsection 9, paragraph b, Code
28 2015, is amended to read as follows:

29 *b.* For one year upon conviction for the first violation
30 and for not less than three years and not more than five years
31 upon conviction for a second or subsequent violation of an
32 out-of-service order while transporting hazardous materials
33 ~~required to be placarded~~ as defined in 49 C.F.R. §383.5,
34 or while operating a commercial motor vehicle designed to
35 transport more than fifteen passengers including the driver.

1 Sec. 61. Section 321.208, subsection 12, paragraph b, Code
2 2015, is amended to read as follows:

3 b. The effective date of disqualification shall be thirty
4 days after notification. Immediate notice of disqualification
5 may be served on a person operating a commercial motor vehicle
6 who refused to submit to a test or whose test results indicate
7 an alcohol concentration of 0.04 or more by the peace officer
8 administering the chemical test or, notwithstanding chapter
9 17A, the department may notify the person by first class
10 mail. If immediate notice is served, the peace officer shall
11 take the commercial driver's license or commercial learner's
12 permit of the driver, if issued within the state, and issue a
13 temporary commercial driver's license or commercial learner's
14 permit effective for only thirty days. The peace officer shall
15 immediately send the person's commercial driver's license or
16 commercial learner's permit to the department in addition to
17 the officer's certification required by this subsection.

18 Sec. 62. Section 321.208, subsection 13, Code 2015, is
19 amended to read as follows:

20 13. Upon notice, the disqualified person shall surrender
21 the person's commercial driver's license or commercial
22 learner's permit to the department and the department may issue
23 a driver's license valid only to operate a noncommercial motor
24 vehicle upon payment of ~~a one-dollar~~ the fee for a replacement
25 driver's license under section 321.195. The department shall
26 notify the commercial driver's license information system
27 of the disqualification if required to do so under section
28 321.204.

29 Sec. 63. Section 321.208A, subsection 1, Code 2015, is
30 amended to read as follows:

31 1. A person required to hold a commercial driver's license
32 or commercial learner's permit to operate a commercial motor
33 vehicle shall not operate a commercial motor vehicle on the
34 highways of this state in violation of an out-of-service order
35 issued by a peace officer for a violation of the out-of-service

1 rules adopted by the department. A driver who violates an
 2 out-of-service order commits a simple misdemeanor and shall
 3 be subject to a fine of not less than two thousand five
 4 hundred dollars upon conviction for the first violation of an
 5 out-of-service order and not less than five thousand dollars
 6 for a second or subsequent violation of an out-of-service order
 7 in separate incidents within a ten-year period.

8 Sec. 64. Section 321.215, subsection 4, Code 2015, is
 9 amended to read as follows:

10 4. The temporary restricted license is not valid to operate
 11 a commercial motor vehicle if a commercial driver's license
 12 or commercial learner's permit is required for the person's
 13 operation of the commercial motor vehicle.

14 Sec. 65. Section 321.218, subsection 4, Code 2015, is
 15 amended to read as follows:

16 4. A person who operates a commercial motor vehicle upon
 17 the highways of this state when disqualified from operating the
 18 commercial motor vehicle under section 321.208 or the imminent
 19 hazard provisions of 49 C.F.R. §383.52 commits a serious
 20 misdemeanor if a commercial driver's license or commercial
 21 learner's permit is required for the person to operate the
 22 commercial motor vehicle.

23 Sec. 66. Section 321J.1, subsection 7, Code 2015, is amended
 24 to read as follows:

25 7. "*Driver's license*" means any license or permit issued
 26 to a person to operate a motor vehicle on the highways of this
 27 state, including but not limited to a driver's, commercial
 28 driver's, temporary restricted, or temporary license and an
 29 instruction, chauffeur's instruction, commercial ~~driver's~~
 30 ~~instruction~~ learner's, or temporary permit.

31 Sec. 67. Section 321J.8, subsection 1, paragraph c,
 32 subparagraph (2), Code 2015, is amended to read as follows:

33 (2) If the person is operating a noncommercial motor
 34 vehicle and holding a commercial driver's license or commercial
 35 learner's permit as defined in section 321.1 and either refuses

1 to submit to the test or submits to the test and the results
2 indicate the presence of a controlled substance or other drug
3 or an alcohol concentration equal to or in excess of the level
4 prohibited by section 321J.2, the person is disqualified from
5 operating a commercial motor vehicle for the applicable period
6 under section 321.208 in addition to any revocation of the
7 person's driver's license or nonresident operating privilege
8 which may be applicable under this chapter.

9 Sec. 68. Section 321J.13, subsection 6, paragraph c, Code
10 2015, is amended to read as follows:

11 c. Such a holding by the court in the criminal action is
12 binding on the department, and the department shall rescind
13 the revocation. If the offense for which the revocation
14 was imposed was committed while the person was operating a
15 noncommercial motor vehicle and holding a commercial driver's
16 license or commercial learner's permit and the department
17 disqualified the person from operating a commercial motor
18 vehicle under section 321.208, subsection 2, paragraph "a" or
19 "b", as a result of the revocation, the department shall also
20 rescind the disqualification.

21 Sec. 69. Section 321J.20, subsection 5, Code 2015, is
22 amended to read as follows:

23 5. A person holding a temporary restricted license issued
24 by the department under this section shall not operate a
25 commercial motor vehicle on a highway if a commercial driver's
26 license or commercial learner's permit is required for the
27 person's operation of the commercial motor vehicle.

28 Sec. 70. Section 321M.1, subsections 1 and 5, Code 2015, are
29 amended to read as follows:

30 1. "*Commercial driver's license*" means a driver's license
31 valid for the operation of a commercial motor vehicle,
32 including a commercial learner's permit, as regulated by
33 chapter 321.

34 5. "*Driver's license*" means any license or permit issued
35 to a person to operate a motor vehicle on the highways of this

1 state, including but not limited to a driver's, commercial
2 driver's, temporary restricted, or temporary license and an
3 instruction, chauffeur's instruction, commercial ~~driver's~~
4 ~~instruction~~ learner's, or temporary permit.

5 Sec. 71. EMERGENCY RULES. The department of transportation
6 may adopt rules on an emergency basis as provided in section
7 17A.4, subsection 3, and section 17A.5, subsection 2,
8 paragraph "b", to implement the provisions of this division
9 of this Act relating to the department's administration of
10 commercial learner's permits and commercial driver's licenses
11 in compliance with the procedures set forth in 49 C.F.R.
12 §383.73 pursuant to this division of this Act, and the rules
13 shall be effective immediately upon filing unless a later
14 date is specified in the rules. Any emergency rule adopted
15 in accordance with this section shall also be published as
16 a notice of intended action as provided in section 17A.4,
17 subsection 1.

18 Sec. 72. EFFECTIVE UPON ENACTMENT. The provisions of this
19 division of this Act relating to emergency rules, being deemed
20 of immediate importance, take effect upon enactment.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to matters under the purview of the
25 department of transportation (DOT).

26 DIVISION I — AVIATION. Generally, state agencies may
27 not compete with private enterprise. Under current law, the
28 DOT may compete with private enterprise in aircraft pool
29 operations. The bill eliminates that exception.

30 Under current law, certain persons with a certificate
31 of registration for aircraft are required to display the
32 registration and present the registration to the DOT upon
33 request. The bill eliminates these requirements.

34 DIVISION II — TRANSPORTATION DEPARTMENT AND COMMISSION.
35 DEPARTMENT OF TRANSPORTATION. Code chapter 307, which

1 establishes the DOT, is amended and reorganized to reflect
2 the current structure and responsibilities of the department
3 and its divisions. Provisions which relate to the state
4 transportation commission are repealed from Code chapter
5 307 and moved to Code chapter 307A, which relates to the
6 commission.

7 The bill also repeals a Code section establishing the DOT's
8 responsibility to train construction inspectors to perform
9 several inspection functions and a Code section establishing
10 the DOT's authority to receive and apportion federal donations.

11 STATE TRANSPORTATION COMMISSION. Code chapter 307A,
12 which contains some of the duties of the state transportation
13 commission, is amended to include provisions establishing the
14 commission and providing for its organization and membership.
15 Provisions which relate to the duties performed by the DOT are
16 repealed from Code chapter 307A and moved to Code chapter 307.

17 DIVISION III — MOTOR VEHICLES. The bill expands the
18 provision governing the issuance of regular registration
19 plates rather than "official" registration plates to certain
20 persons exempt from registration fees to include federal law
21 enforcement officers.

22 The bill increases the fee for issuance of a replacement
23 driver's license which does not identify a person as "under 18"
24 or "under 21" upon attaining such age from \$1 to \$10.

25 The bill provides that a person whose driver's license was
26 suspended or revoked for certain motor vehicle violations and
27 was also suspended or revoked for operating-while-intoxicated
28 is eligible for a temporary restricted license if the person
29 meets the eligibility requirements of both provisions.

30 The bill provides that annual permits for vehicles of
31 excessive size may be issued for vehicles with divisible loads
32 of bagged livestock bedding. The bill also provides that motor
33 vehicle dealers may display, offer for sale, and negotiate
34 sales of motor vehicles at the state fair, if the Iowa state
35 fair is in the dealer's community.

1 The bill amends provisions relating to vehicle registrations
2 pursuant to registration reciprocity apportionment agreements.
3 The bill alters the late filing penalty for registration fees
4 imposed by the department from five percent of fees due to
5 all states to five percent of the fees due to the state of
6 Iowa. The bill also provides that late penalties calculated
7 by the department will remain due to the state until the fees
8 and penalties are received. The effective date of these fee
9 provisions is January 1, 2016.

10 DIVISION IV — RAIL TRANSPORTATION. The bill repeals
11 Code sections requiring headlights and windshields on track
12 power cars and the accompanying penalties, governing caboose
13 standards, requiring establishment and maintenance of freight
14 offices that are accessible to the public, requiring horns
15 on locomotives that must be sounded at road crossings and
16 the accompanying penalties, requiring roadbeds of railways
17 constructed near the Mississippi river to be constructed above
18 the high-water mark, establishing the DOT's jurisdiction
19 over all crossings at grade of railways within the state,
20 establishing the DOT's authority to require safety devices
21 at railroad crossings, junctions, and drawbridges, and
22 establishing the DOT's authority to carry out agreements for
23 railroad assistance entered into by the energy policy council
24 and railroads or other persons.

25 DIVISION V — COMMERCIAL LEARNER'S PERMITS. The bill
26 redefines commercial driver's license and defines commercial
27 learner's permit as the terms are defined in the United
28 States code of federal regulations. The bill alters weight
29 calculations for commercial motor vehicles and tank vehicles.
30 The bill also expands Code sections that refer to commercial
31 driver's licenses to also refer to commercial learner's
32 permits.

33 The bill requires the DOT to adopt rules to administer
34 commercial learner's permits in compliance with the procedures
35 set forth by federal law. The bill allows the DOT to adopt

1 such rules on an emergency basis, with such provision taking
2 effect upon enactment. The bill provides for qualifications
3 and requirements for holders of a commercial learner's permit,
4 including operation of the vehicle accompanied by a holder
5 of a commercial driver's license in certain circumstances.
6 The bill also provides that commercial learner's permits
7 are preconditions to the initial issuance or upgrade of a
8 commercial driver's license, permit holders are not eligible to
9 take driver's tests required for a commercial driver's license
10 for 14 days after issuance of the permit, and commercial
11 learner's permits are not valid for the operation of vehicles
12 transporting hazardous material.

13 The bill requires the DOT to adopt rules to administer
14 commercial driver's licenses in compliance with the procedures
15 set forth by federal law. The bill allows the DOT to adopt
16 such rules on an emergency basis, with such provision taking
17 effect upon enactment. The bill also allows the DOT to
18 administer rules requiring additional information, proofs, or
19 certifications in order to qualify for a commercial driver's
20 license.

21 Current law provides that the DOT may waive the requirement
22 of a driving skills test if the applicant has separated
23 from military service in the past 90 days, except where the
24 applicant has violated a state or local traffic law. The bill
25 extends the military separation limit to one year, and expands
26 the exception to include violations of military traffic laws.

27 The bill provides that the fee for removing full air brake,
28 manual transmission, tractor-trailer, or passenger vehicle
29 restrictions on a commercial driver's license or commercial
30 learner's permit is \$10. The bill also requires the DOT to
31 disqualify the commercial driver's license or commercial
32 learner's permit of a person suspected or convicted of fraud
33 related to the testing for or issuance of the license or
34 permit, and to adopt rules governing such disqualification.

35 The bill provides that the term "hazardous materials" means

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1 hazardous materials as the term is defined in the United States
2 code of federal regulations.